



2013 SENATE BILL 300

1 **AN ACT** *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983
2 (1) (intro.); and *to create* 609.837 and 632.867 of the statutes; **relating to:**
3 copayments, deductibles, or coinsurance for oral chemotherapy and injected or
4 intravenous chemotherapy.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 40.51 (8) of the statutes is amended to read:
6 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
7 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
8 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
9 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.
10 **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

SENATE BILL 300**SECTION 2**

1 40.51 **(8m)** Every health care coverage plan offered by the group insurance
2 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
3 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,
4 632.89, and 632.895 (11) to (17).

5 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

6 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
7 a village provides health care benefits under its home rule power, or if a town
8 provides health care benefits, to its officers and employees on a self-insured basis,
9 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
10 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,
11 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

12 **SECTION 4.** 120.13 (2) (g) of the statutes is amended to read:

13 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
14 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
15 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,
16 632.895 (9) to (17), 632.896, and 767.513 (4).

17 **SECTION 5.** 185.983 (1) (intro.) of the statutes is amended to read:

18 185.983 **(1)** (intro.) Every voluntary nonprofit health care plan operated by a
19 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
20 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
21 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
22 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
23 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,
24 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
25 and 646, but the sponsoring association shall:

SENATE BILL 300

1 **SECTION 6.** 609.837 of the statutes is created to read:

2 **609.837 Copayment equality for oral and injected chemotherapy.**

3 Limited service health organizations, preferred provider plans, and defined network
4 plans are subject to s. 632.867.

5 **SECTION 7.** 632.867 of the statutes is created to read:

6 **632.867 Oral and injected chemotherapy. (1) DEFINITIONS.** In this section:

7 (a) “Chemotherapy” means drugs and biologics that kill cancer cells directly,
8 including antineoplastics, biologic response modifiers, hormone therapy, and
9 monoclonal antibodies, and that are used to do any of the following:

- 10 1. Cure a specific cancer.
- 11 2. Control tumor growth when cure is not possible.
- 12 3. Shrink tumors before surgery or radiation therapy.
- 13 4. Destroy microscopic cancer cells that may be present after a tumor is
14 removed by surgery to prevent a cancer recurrence.

15 (b) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

16 (c) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

17 **(2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS.** (a)
18 Except as provided in par. (am), a disability insurance policy that covers injected or
19 intravenous chemotherapy and oral chemotherapy, or a self-insured health plan
20 that covers injected or intravenous chemotherapy and oral chemotherapy, may not
21 require a higher copayment, deductible, or coinsurance amount for oral
22 chemotherapy than it requires for injected or intravenous chemotherapy, regardless
23 of the formulation or benefit category determination by the policy or plan.

24 (am) A disability insurance policy or self-insured health plan that limits
25 copayments paid by a covered individual to no more than \$100 for a 30-day supply

SENATE BILL 300**SECTION 7**

1 of oral chemotherapy medication is considered to comply with this section. On
2 January 1, 2016, and on each January 1 annually thereafter, a disability insurance
3 policy or self-insured health plan may adjust the \$100 limit under this paragraph
4 by an amount that does not exceed the percentage increase in the U.S. consumer
5 price index for all urban consumers, U.S. city average, as determined by the U.S.
6 department of labor.

7 (b) A disability insurance policy or a self-insured health plan may not comply
8 with par. (a) by increasing the copayment, deductible, or coinsurance amount
9 required for injected or intravenous chemotherapy that is covered under the policy
10 or plan.

11 (c) Notwithstanding par. (a), for a disability insurance policy, or self-insured
12 health plan, that is a high deductible health plan, as defined in 26 USC 223 (c) (2),
13 par. (a) applies only after the plan enrollee's deductible has been satisfied for the
14 year.

15 **SECTION 8. Initial applicability.**

16 (1) This act first applies to all of the following:

17 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
18 that are issued or renewed, and governmental or school district self-insured health
19 plans that are established, extended, modified, or renewed, on the effective date of
20 this paragraph.

21 (b) Disability insurance policies covering employees who are affected by a
22 collective bargaining agreement containing provisions inconsistent with this act
23 that are issued or renewed on the earlier of the following:

24 1. The day on which the collective bargaining agreement expires.

